

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

CARL CHRISTOPHER DAVIS,

Defendant-Appellant.

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UNPUBLISHED

July 31, 2014

No. 315308

Wayne Circuit Court

LC No. 12-000875-FH

Before: BOONSTRA, P.J., and METER and SERVITTO, JJ.

PER CURIAM.

Defendant appeals as of right from his convictions<sup>1</sup> after a bench trial of possession of a firearm during the commission of a felony (felony-firearm), MCL 750.227b; third-degree fleeing and eluding a police officer, MCL 257.602a(3)(a); carrying a concealed weapon, MCL 750.227; and assaulting/resisting/obstructing a police officer, MCL 750.81d(1). The trial court sentenced him to two years' incarceration for the felony-firearm conviction and to five years' probation for the remaining convictions. We affirm.

Defendant argues that his mental illness at the time of his offenses rose to the level of legal insanity because he did not appreciate the wrongfulness of his conduct and was incapable of conforming his behavior to the requirements of the law. He contends that Dr. Firoza Van Horn's testimony and opinion that defendant was legally insane at the time of the offenses should have been accepted by the trial court. Further, defendant argues that his behavior on the day of the offenses was bizarre, erratic, combative, and abnormal. We disagree with defendant's argument that he was legally insane at the time of the offenses.

Defendant does not explicitly couch his argument as one regarding the sufficiency of the evidence; however, his argument is essentially that the trial court's verdict of guilty but mentally ill was not supported by sufficient evidence because he proved by a preponderance of the evidence that he was legally insane at the time of the offenses. This Court has treated similar arguments regarding insanity as "sufficiency of the evidence" challenges. See *People v McRunels*, 237 Mich App 168, 181-182; 603 NW2d 95 (1999). In a challenge to a criminal

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<sup>1</sup> The trial court found defendant guilty but mentally ill.

conviction based on insufficient evidence, this Court considers whether the evidence, viewed in the light most favorable to the prosecution, could persuade a rational trier of fact that the essential elements of the crime charged were proven beyond a reasonable doubt. *Id.* at 181.

Defendant does not challenge the proofs concerning any element of the offenses for which he was convicted; rather, he argues that the trial court should have found valid his affirmative defense of insanity. “[T]he insanity defense as established by the Legislature is the sole standard for determining criminal responsibility as it relates to mental illness or retardation.” *People v Carpenter*, 464 Mich 223, 239; 627 NW2d 276 (2001). This affirmative defense contains two separate elements: first, the defendant must suffer from mental illness or mental retardation; second, the defendant must lack “substantial capacity either to appreciate the nature and quality of the wrongfulness of his or her conduct or to conform his or her conduct to the requirements of the law.” *Id.* at 230-231, quoting MCL 768.21a(1). Because it is an affirmative defense, the burden is on the defendant to prove by a preponderance of the evidence that he or she meets the requirements of the insanity defense. *People v Mette*, 243 Mich App 318, 324-325; 621 NW2d 713 (2000).

Mental illness is defined as “a substantial disorder of thought or mood that significantly impairs judgment, behavior, capacity to recognize reality, or ability to cope with the ordinary demands of life.” *People v Lacalamita*, 286 Mich App 467, 470; 780 NW2d 311 (2009), quoting MCL 330.1400(g). This Court has stated that the second element of the legal-insanity analysis involves an issue of degree. *People v Jackson*, 245 Mich App 17, 24; 627 NW2d 11 (2001). The Court can look to whether the defendant had “an understanding that society would consider [his or her] conduct immoral or wrongful.” See *id.* at 25. “Where expert testimony is presented in support of an insanity defense, the probative value of the expert’s opinion depends on the facts on which it is based.” *Lacalamita*, 286 Mich App at 470. Further, an expert witness may rely on his or her own observations, a hypothetical question, testimony of other witnesses, hearsay information, and the opinions of other experts in providing his or her opinion of a person’s mental condition. *People v Dobben*, 440 Mich 679, 695-696; 488 NW2d 726 (1992).

Defendant does not dispute that he attacked a police officer, Archie Hamilton, during a routine traffic stop, fled the scene of the traffic stop, led officers on a chase through Wyandotte and Lincoln Park, and ultimately resisted arrest when the chase concluded. Further, both expert witnesses acknowledged that defendant had been diagnosed with mental illness in the past, that he expressed grandiose ideas, and that he possessed paranoid delusions. Though Dr. Candyce Shields’s opinion was that defendant did not have a mental illness at the time of the offenses, defendant did demonstrate by a preponderance of the evidence that he had a mental illness, based on his undisputed medical history, paranoia, and delusional beliefs. Accordingly, the trial court’s conclusion that defendant had a mental illness was proper.

The pertinent question, then, becomes whether defendant, at the time of the offenses, lacked the capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of the law. Defendant apparently believed that Hamilton drank a glass of wine, laughed at defendant, and attempted to shoot him during the initial traffic stop. Additionally, defendant apparently believed that he saw an FBI agent at his apartment complex and that officers beat him before ultimately arresting him. However, while defendant’s delusions signify that he was apparently experiencing mental illness on the day of the offenses, they do not

indicate that he was unable to understand that his conduct violated the law or to conform his conduct to the requirements of the law. Significantly, defendant was mostly able to follow Hamilton's orders during the initial traffic stop—until Hamilton attempted to place him in handcuffs. Defendant pulled over when Hamilton initiated the traffic stop, and he agreed with Hamilton that his taillights were not functioning. Defendant complied with Hamilton's requests that he step out of the roadway and that he turn around (after Hamilton realized that defendant likely had a handgun). Based on defendant's ability to comply with demands until the officer attempted to handcuff him, defendant simply failed to establish the second prong of the legal-insanity defense. *Carpenter*, 464 Mich at 231.

Again, defendant's convictions arose out of his carrying a concealed weapon, fleeing police, and resisting arrest. Defendant may have been convinced that some of his delusions constituted reality, but he failed to present adequate evidence that he possessed an inability to conform to the law or to understand that his conduct violated the law. Further, we note that Shields stated that in her opinion, defendant embellished some of the information he provided her. Defendant failed to demonstrate legal insanity by a preponderance of the evidence, and the trial court did not err in making a finding that defendant was guilty but mentally ill.

Affirmed.

/s/ Mark T. Boonstra

/s/ Patrick M. Meter

/s/ Deborah A. Servitto